

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
V. ) CRIMINAL NO. 03-CR-10362-PBS  
 )  
SEAN D. STARK )

**MOTION TO CONTINUE TRIAL DATE**

The United States of America hereby files this Motion to Continue the December 12, 2005 trial date, if Fabian Ruiz cannot be transported to Massachusetts by this time. The reason for this motion is that there may be no transport until December 21<sup>st</sup> for Mr. Ruiz, who is currently incarcerated at Phoenix FCI, to be transported to Massachusetts. Mr. Ruiz is a co-defendant and co-conspirator with defendant Stark in this case. Mr. Ruiz is a central witness in the Stark trial. Therefore, the government respectfully requests that this motion be granted if Mr. Ruiz cannot be transported in time for the December 12, 2005 trial date. Mel Norris, defense counsel, has been contacted via voicemail regarding this motion, but due to the short notice the government was unable to contact him prior to filing.

Dated: December 6, 2005

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Cynthia W. Lie

CYNTHIA W. LIE  
JENNIFER ZACKS

Assistant U.S. Attorneys